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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,430	01/31/2002	Dah Ming Chiu	SMY-261.01	5098
45774	7590	06/01/2006	EXAMINER	
KUDIRKA & JOBSE, LLP ONE STATE STREET, SUITE 800 BOSTON, MA 02109			SHAND, ROBERTA A	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/066,430

Applicant(s)

CHIU ET AL.

Examiner

Roberta A. Shand

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 7, 8, 10 and 13-16 is/are rejected.
- 7) ☒ Claim(s) 3, 5, 6, 9, 11 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 2, 4, 7, 8, 10 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blouin (U.S. 2003/0126246 A1) in view of Nikolich (U.S. 6826195 B1).

4. Regarding claim 1, Blouin teaches a method for selecting routing information to be provided to devices in a communication network, comprising: obtaining routing information describing a plurality of routes between forwarding devices of said communication network from a single routing table (fig. 4 and paragraph 69), wherein said plurality of alternative routes is deadlock free (Blouin teaches that the routes are listed according to performance metric and the best route is listed first is the best route and highest ranked and the others in the list are

Art Unit: 2616

alternatives and each ranked lower than the previous going down the list); selecting a final enabled routing from said plurality of alternative routes, wherein said selecting optimizes a performance metric (paragraph 14).

5. Blouin does not teach delivering a forwarding table to each forwarding device in said communication network, the forwarding tables containing no alternative routes and causing the forwarding devices to implement the final enabled routing.

6. Nikolich teaches (col. 7, lines 46-56) delivering (broadcasting) a forwarding table to each forwarding device (application modules) in said communication network, the forwarding tables containing no alternative routes and causing the forwarding devices to implement the final enabled routing. It would have been obvious to one of ordinary skill in the art to adapt this to Blouin's system to increase quality of service within the system

7. Regarding claims 2 and 8, Blouin teaches (paragraph 69) performance metric is network capacity.

8. Regarding claims 4 and 10, Blouin teaches (paragraph 69) performance metric is fault tolerance.

9. Regarding claim 7, Blouin teaches a system for selecting routing information to be provided to devices in a communication network, comprising routing logic operable to: obtain routing information describing a plurality of alternative routes between forwarding devices of said communication network (paragraph 69), wherein said plurality of routes is deadlock free

Art Unit: 2616

(Blouin teaches that the routes are listed according to performance metric and the best route is listed first is the best route and highest ranked and the others in the list are alternatives and each ranked lower than the previous going down the list); select a final enabled routing from said plurality of alternative routes, wherein said selecting optimizes a performance metric (paragraph 14).

10. Blouin does not teach delivering a forwarding table to each forwarding device in said communication network, the forwarding tables containing no alternative routes and causing the forwarding devices to implement the final enabled routing.

11. Nikolich teaches (col. 7, lines 46-56) delivering (broadcasting) a forwarding table to each forwarding device (application modules) in said communication network, the forwarding tables containing no alternative routes and causing the forwarding devices to implement the final enabled routing. It would have been obvious to one of ordinary skill in the art to adapt this to Blouin's system to increase quality of service within the system

12. Regarding claim 13; it is inherent in Blouin's system that routing logic comprises at least one digital logic circuit in that this system is a signal processing system.

13. Regarding claim 14, Blouin teaches (fig. 1) routing logic comprises program code loaded into a memory of a computer system.

14. Regarding claim 15, a system for selecting routing information to be provided to devices in a communication network, comprising: means for obtaining routing information describing a

Art Unit: 2616

plurality of alternative routes between forwarding devices of said communication network from a single routing table (fig. 4 and paragraph 69), wherein said plurality of routes is deadlock free (Blouin teaches that the routes are listed according to performance metric and the best route is listed first is the best route and highest ranked and the others in the list are alternatives and each ranked lower than the previous going down the list); means for selecting a final enabled routing from said plurality of alternative routes, wherein said selecting optimizes a performance metric (paragraph 14).

15. Blouin does not teach delivering a forwarding table to each forwarding device in said communication network, the forwarding tables containing no alternative routes and causing the forwarding devices to implement the final enabled routing.

16. Nikolich teaches (col. 7, lines 46-56) delivering (broadcasting) a forwarding table to each forwarding device (application modules) in said communication network, the forwarding tables containing no alternative routes and causing the forwarding devices to implement the final enabled routing. It would have been obvious to one of ordinary skill in the art to adapt this to Blouin's system to increase quality of service within the system

17. Regarding claim 16, Blouin teaches a computer program product including a computer readable medium, said computer readable medium having a computer program stored thereon, said computer program for selecting routing information for distribution to at least one networking device, said computer program comprising: program code for obtaining routing information describing a plurality of routes between forwarding devices of said communication network from a single routing table (paragraph 69), wherein said plurality of routes is deadlock

Art Unit: 2616

free (Blouin teaches that the routes are listed according to performance metric and the best route is listed first is the best route and highest ranked and the others in the list are alternatives and each ranked lower than the previous going down the list); program code for selecting a final enabled routing from said plurality of alternative routes, wherein said selecting optimizes a performance metric (paragraph 14).

18. Blouin does not teach delivering a forwarding table to each forwarding device in said communication network, the forwarding tables containing no alternative routes and causing the forwarding devices to implement the final enabled routing.

19. Nikolich teaches (col. 7, lines 46-56) delivering (broadcasting) a forwarding table to each forwarding device (application modules) in said communication network, the forwarding tables containing no alternative routes and causing the forwarding devices to implement the final enabled routing. It would have been obvious to one of ordinary skill in the art to adapt this to Blouin's system to increase quality of service within the system.

Allowable Subject Matter

20. Claims 3, 5, 6, 9, 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

22. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta A Shand whose telephone number is 571-272-3161. The examiner can normally be reached on M-F 9:00am-5:30pm.

24. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

25. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Roberta A Shand
Examiner
Art Unit 2616



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